

**TUESDAY, MAY 5, 1981**

**FORTY-FOURTH LEGISLATIVE DAY**

The House met at 1:30 p.m. and was called to order by Mr. Speaker McWherter.

The proceedings were opened with prayer by Reverend Joseph Taylor, Cleaves Temple Church, Halls, Tennessee.

Representative Crain led the House in the Pledge of Allegiance to the Flag.

The roll call was taken with the following results:

Present ..... 96

Representatives present were: Akard, Baker, Bell (Knox), Bell (Wilson), Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Carter, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Duer, Duncan, Ellis, Ford, Frensley, Gaia, Gill, Harrill, Henry (Blount), Henry (Roane), Hillis, Hurley, Huskey, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Washington), Lashlee, Love, Lowe, McAfee, McKinney, McNally, Martin, Miller, Montgomery, Moore, Murphy (Davidson), Murphy (Shelby), Murray, Naifeh, Owen, Percy, Phillips, Pickering, Pruitt, Rhinehart, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Small, Smith, Spence, Stallings, Starnes, Sterling, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Withers, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter—96.

The Speaker announced that Representative Hudson was excused because of illness.

The Speaker announced that Representative Stafford was excused because of illness.

**MESSAGE FROM THE GOVERNOR**

**MR. SPEAKER:**

I am directed by the Governor to return herewith: House Bills Nos. 77, 310, 311, 383, 512, 592, 604, 613, 629, 632, 680, 688, 701, 759, 797, 826, 893, 1019, 1075, 1103, 1131 and 1174 with his approval.

**JULIA GIBBONS,**  
*Counsel to the Governor.*

**REPORT OF CHIEF ENGROSSING CLERK**

MR. SPEAKER:

Your Chief Engrossing Clerk begs leave to report that we have transmitted to the Governor the following: House Bills Nos. 436, 452, 532, 542, 553, 602, 610, 829, 833, 840, 874, 891, 993, 1037, 1048, 1061, 1101, 1108, 1240, 1289, 1290, 1291 and 1298; and House Joint Resolutions Nos. 43, 59, 185, 188, 189, 190 and 196; for his action.

MARILYN EVELYN HAND,  
*Chief Engrossing Clerk.*

### CALENDAR

Mr. Henry (Roane) moved that House Bill No. 1009 be placed on the Calendar for Thursday, May 7, 1981, which motion prevailed.

Mr. Martin moved that House Bill No. 813 be placed on the Calendar for Tuesday, May 12, 1981, which motion prevailed.

House Bill No. 892—To amend Title 67, Chapter 5, Code.

Mr. Smith moved that House Bill No. 892 be passed on third and final consideration.

Mr. Smith moved to amend as follows:

#### AMENDMENT NO. 1

Amend House Bill No. 892 in Section 1 by deleting in its entirety subsection (b) in the amendatory language thereof, and by designating subsection (c) in the amendatory language of the section to be subsection (b).

On motion, the amendment was adopted.

Mr. McKinney moved to amend as follows:

#### AMENDMENT NO. 2

Amend House Bill No. 892 in Section 1 by adding the following sentence at the end of amendatory subsection (c):

The exemption from taxation provided to a college or university herein shall apply only to a number of residential units equal to those owned by the college and university as of July 1, 1981, plus five (5) residential units per institution in addition to those already owned by that institution.

On motion, the amendment was adopted.

Thereupon, House Bill No. 892, as amended, passed its third and final consideration by the following vote:

Ayes .....	89
Noes .....	6
Present and not voting .....	1

Representatives voting aye were: Akard, Baker, Bell (Knox), Bell (Wilson), Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Duer, Duncan, Ellis, Ford, Frensley, Gaia, Gill, Harrill, Henry (Blount), Henry (Roane), Hillis, Hurley, Huskey, Jared, Johnson, Jones,

Kelley, Kent, Kernell, King (Washington), Lashlee, Love, Lowe, McKinney, McNally, Martin, Miller, Montgomery, Moore, Murphy (Davidson), Murphy (Shelby), Murray, Naifeh, Owen, Percy, Phillips, Pickering, Pruitt, Rhinehart, Richardson, Robertson, Robinson (Davidson), Robinson (Washington), Scruggs, Severance, Shockley, Small, Smith, Stallings, Starnes, Sterling, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Withers, Wix, Wolfe, Work, Yelton and Mr. Speaker McWherter—89.

Representatives voting no were: Carter, Copeland, McAfee, Robinson (Hamilton), Shirley and Wood—6.

Representatives present and not voting were: Spence—1.

A motion to reconsider was tabled.

Mr. Speaker McWherter relinquished the Chair to Mr. Brewer, Speaker pro tem.

House Bill No. 713—To amend Section 51-228, Code.

On motion, House Bill No. 713 was made to conform with Senate Bill No. 1127.

On motion, Senate Bill No., 1127, on same subject, was substituted for House Bill No. 713.

Mr. Gill moved that Senate Bill No. 1127 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	94
Noes .....	0
Present and not voting .....	2

Representatives voting aye were: Akard, Baker, Bell (Knox), Bell (Wilson), Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Carter, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Duer, Duncan, Ellis, Ford, Frensley, Gaia, Gill, Harrill, Henry (Blount), Henry (Roane), Hillis, Hurley, Huskey, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Washington), Lashlee, Love, Lowe, McAfee, McKinney, McNally, Martin, Miller, Montgomery, Moore, Murphy (Davidson), Murphy (Shelby), Murray, Naifeh, Owen, Percy, Phillips, Pickering, Pruitt, Rhinehart, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Small, Smith, Stallings, Starnes, Sterling, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Withers, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter—94.

Representatives present and not voting were: Spence and Wix—2.

A motion to reconsider was tabled.

House Bill No. 682—To amend Title 50, Chapters 9 and 10, Code.

On motion, House Bill No. 682 was made to conform with Senate Bill No. 859.

On motion, Senate Bill No. 859, on same subject, was substituted for House Bill No. 682.

Mr. Naifeh moved that Senate Bill No. 859 be re-referred to the Committee on State and Local Government.

Mr. McKinney moved that the motion be tabled, which motion prevailed by the following vote:

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Ayes .....	51
Noes .....	41
Present and not voting .....	1

Representatives voting aye were: Akard, Bell (Wilson), Bragg, Brewer, Buck, Burnett, Byrd, Clark (Davidson), Cobb, Covington, Davidson, Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Duncan, Ellis, Gaia, Gill, Hillis, Hurley, Jared, Kernell, Love, McKinney, McNally, Miller, Montgomery, Moore, Murphy (Davidson), Murphy (Shelby), Murray, Percy, Pickering, Pruitt, Rhinehart, Robinson (Davidson), Shirley, Small, Spence, Starnes, Sterling, Tanner, Turner, Wheeler, Whitson, Withers, Work and Yelton—51.

Representatives voting no were: Baker, Bell (Knox), Bewley, Bivens, Carter, Chiles, Clark (Sumner), Copeland, Crain, Davis (Gibson), Duer, Ford, Frensley, Harrill, Henry (Blount), Henry (Roane), Huskey, Jones, Kelley, Kent, King (Washington), Lashlee, Lowe, McAfee, Martin, Naifeh, Phillips, Richardson, Robertson, Robinson (Washington), Scruggs, Severance, Shockley, Smith, Stallings, Ussery, Wallace, Webb, Wix, Wolfe and Wood—41.

Representative present and not voting was: Owen—1.

Thereupon, Senate Bill No. 859, passed its third and final consideration by the following vote:

Ayes .....	78
Noes .....	16
Present and not voting .....	2

Representatives voting aye were: Akard, Bell (Wilson), Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Carter, Clark (Davidson), Clark (Sumner), Cobb, Covington, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Duncan, Ellis, Ford, Gaia, Gill, Henry (Roane), Hillis, Hurley, Huskey, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Washington), Lashlee, Love, Lowe, McKinney, McNally, Miller, Montgomery, Moore, Murphy (Davidson), Murphy (Shelby), Murray, Percy, Phillips, Pickering, Pruitt, Rhinehart, Richardson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Shirley, Shockley, Small, Spence, Stallings, Starnes, Sterling, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Withers, Wix, Wolfe, Work, Yelton and Mr. Speaker McWherter—78.

Representatives voting no were: Baker, Bell (Knox), Chiles, Copeland, Crain, Duer, Frensley, Harrill, McAfee, Martin, Naifeh, Robertson, Scruggs, Severance, Smith and Wood—16.

Representatives present and not voting were: Henry (Blount) and Owen—2.

A motion to reconsider was tabled.

House Bill No. 681—To amend Section 56-7-105, Code.

On motion, House Bill No. 681 was made to conform with Senate Bill No. 718.

On motion, Senate Bill No. 718, on same subject, was substituted for House Bill No. 681.

Mr. Turner moved that Senate Bill No. 718 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	92
Noes .....	0
Present and not voting .....	2

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Representatives voting aye were: Akard, Baker, Bell (Knox), Bell (Wilson), Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Duer, Duncan, Ellis, Ford, Frensley, Gaia, Gill, Harrill, Henry (Blount), Henry (Roane), Hillis, Hurley, Huskey, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Washington), Lashlee, Love, Lowe, McAfee, McKinney, McNally, Martin, Miller, Montgomery, Murphy (Davidson), Murphy (Shelby), Murray, Naifeh, Owen, Percy, Phillips, Pickering, Pruitt, Rhinehart, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Small, Smith, Stallings, Starnes, Sterling, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Withers, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWhorter—92.

Representatives present and not voting were: Carter and Spence—2.

A motion to reconsider was tabled.

House Bill No. 727—To set fees, commercial fishing licenses.

Mr. Hillis moved that House Bill No. 727 be passed on third and final consideration.

Mr. Hillis moved to amend as follows:

**AMENDMENT NO. 1**

Amend House Bill No. 727 by deleting item E. of the amendatory language of Section 1 in its entirety and by substituting instead the following:

E. Licenses and fees required under this section are, as follows:

	Resident	Nonresident
Commercial fisherman's license to take fish		
—By means of gill and trammel nets only	\$75.00	\$500.00
—by means of all other commercial type gear	75.00	500.00
—helper's license	75.00	500.00
Commercial fisherman's license		
—mussels only	75.00	750.00
—helper's license	75.00	750.00

AND FURTHER AMEND by deleting in the first paragraph of the amendatory language of Section 2 the words and figures "fifty dollars (\$50.00)" and substituting instead the words and figures "twenty-five dollars (\$25.00)".

On motion, the amendment was adopted.

Mr. Hillis moved to amend as follows:

**AMENDMENT NO. 2**

Amend House Bill No. 727 by adding the following language at the end of item E. of the amendatory language of Section 1:

**Commercial fisherman's license for persons**

**sixteen years of age or younger**

—mussels only	\$25.00	\$750.00
—helper's license	25.00	750.00

On motion, the amendment was adopted.

Mr. Hillis moved to amend as follows:

**AMENDMENT NO. 3**

Amend House Bill No. 727 by deleting item E. of the amendatory language of Section 1 in its entirety and by substituting instead and adding the following:

	Resident	Nonresident
Commercial fisherman's license to take fish		
—by means of gill and trammel nets only	\$50.00	\$500.00
—by means of all other commercial type gear		
—by means of a combination of gill and trammel nets and other commercial type gear	\$50.00	\$500.00
	\$75.00	\$750.00
—helper's license	\$50.00	\$500.00
Commercial fisherman's license		
—mussels only	\$50.00	\$750.00
—helper's license	\$50.00	\$750.00

F. A resident sixteen (16) years of age or younger engaged in commercial fishing shall not be required to possess a commercial fishing or helper's license. A nonresident commercial fisherman sixteen (16) years of age or younger shall be required to purchase the appropriate nonresident license.

AND FURTHER AMEND by deleting in the first paragraph of the amendatory language of Section 2 the words and figures "fifty dollars (\$50.00)" and substituting instead the words and figures "twenty-five dollars (\$25.00)".

AND FURTHER AMEND by deleting in Section 3 the figure "\$100.00" and substituting instead "\$50.00".

AND FURTHER AMEND by deleting in Section 5 the figure "\$100" and substituting instead "\$50.00".

AND FURTHER AMEND by deleting in Section 4 the words and figure "twenty-five dollars (\$25.00)" and substituting instead "fifteen dollars (\$15.00)".

AND FURTHER AMEND by deleting in Section 5 the figure "\$100" and substituting instead "\$50".

AND FURTHER AMEND by deleting the following paragraph from Tennessee Code Annotated, Section 51-211 (B):

The provisions of this section shall not apply to residents of Tennessee who are

seventy (70) or more years of age, and such person shall not be required to purchase any license required by this section in order to carry on the businesses enumerated herein.

and substituting instead the following:

The provisions of this section shall not apply to residents of Tennessee who are seventy (70) or more years of age, or to those residents of Tennessee who are sixty-five (65) or more years of age and who use less than five hundred (500) hooks. Such persons shall not be required to purchase any license required by this section in order to carry on the businesses enumerated herein.

On motion, the amendment was adopted.

Thereupon, House Bill No. 727, as amended, passed its third and final consideration by the following vote:

Ayes .....	80
Noes .....	10
Present and not voting .....	2

Representatives voting aye were: Akard, Baker, Bell (Knox), Bewley, Bivens, Bragg, Brewer, Buck, Byrd, Carter, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Copeland, Covington, Crain, Davidson, DeBerry, DePriest, Dills, Disspayne, Duer, Ellis, Ford, Gill, Harrill, Henry (Blount), Henry (Roane), Hillis, Hurley, Huskey, Jared, Jones, Kelley, Kent, Kernell, King (Washington), Love, Lowe, McAfee, McKinney, McNally, Martin, Miller, Montgomery, Murphy (Davidson), Murphy (Shelby), Murray, Naifeh, Owen, Percy, Pickering, Pruitt, Rhinehart, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Small, Smith, Stallings, Starnes, Sterling, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Withers, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter—80.

Representatives voting no were: Bell (Wilson), Burnett, Davis (Gibson), Duncan, Johnson, Lashlee, Phillips, Richardson, Spence and Tanner.—10.

Representatives present and not voting were: Frensey and Wix—2.

A motion to reconsider was tabled.

House Bill No. 725—To establish resident hunting and fishing licenses and fees.

Mr. Hillis moved that House Bill No. 725 be passed on third and final consideration.

Mr. Bragg moved to amend as follows:

AMENDMENT NO. 1

Amend House Bill No. 725 by deleting from the amendatory language of Section 1 the following language:

“1. Combination hunting and fishing .....\$11.00”

and substituting instead the following language:

“1. Combination hunting and fishing .....\$10.00”

On motion, the amendment was adopted.

Mr. Lashlee moved to amend as follows:

AMENDMENT NO. 2

Amend House Bill No. 725 by deleting the word and figure "Waterfowl 6.00"

and substituting instead the word and figure

"Waterfowl 3.00" in subsection (1) (B) of the amendatory language of Section 1.

Amendment No. 2 failed by the following vote:

Ayes .....	25
Noes .....	57
Present and not voting .....	7

Representatives voting aye were: Bell (Wilson), Buck, Burnett, Byrd, Clark (Davidson), Clark (Sumner), Crain, Davis (Gibson), Davis (Pickett), Disspayne, Duncan, Gaia, Harrill, Kelley, Kent, Lashlee, Naifeh, Richardson, Robinson (Hamilton), Robinson (Washington), Scruggs, Stallings, Tanner, Ussery and Wix—25.

Representatives voting no were: Akard, Baker, Bewley, Bivens, Bragg, Brewer, Carter, Chiles, Cobb, Copeland, Davidson, DeBerry, DePriest, Duer, Ellis, Ford, Gill, Henry (Blount), Henry (Roane), Hillis, Hurley, Huskey, Jared, Johnson, Jones, Kernell, King (Washington), Lowe, McAfee, McKinney, McNally, Martin, Montgomery, Murphy (Davidson), Murphy (Shelby), Murray, Percy, Pickering, Pruitt, Rhinehart, Severance, Shirley, Shockley, Small, Smith, Spence, Starnes, Sterling, Turner, Wallace, Wheeler, Whitson, Withers, Wolfe, Wood, Work and Yelton—57.

Representatives present and not voting were: Bell (Knox), Covington, Dills, Frensley, Miller, Owen and Robertson—7.

Mr. Wallace moved to amend as follows:

AMENDMENT NO. 3

Amend House Bill No. 725 by deleting the words and figures "Combination hunting and fishing \$11.00" and substituting instead the words and figures "Combination hunting and fishing \$9.50" in subsection (1) (A) of the amendatory language of Section 1.

On motion, Amendment No. 3 failed.

Mr. Lashlee moved to amend as follows:

AMENDMENT NO. 4

Amend House Bill No. 725 by deleting the word and figure "Sportsman 60.00" and substituting instead the word and figure "Sportsman \$45.00" in subsection (1) (A) of the amendatory language of Section 1.

On motion, Amendment No. 4 failed.

Mr. Hillis moved that House Bill No. 725 be placed on the Calendar for Wednesday, May 6, 1981.

Mr. McKinney moved that the motion be tabled, which motion failed by the following vote:

Ayes .....	40
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Noes .....	43
Present and not voting .....	4

Representatives voting aye were: Bell (Wilson), Bewley, Bivens, Bragg, Buck, Carter, Cobb, Davidson, DeBerry, Dills, Disspayne, Duer, Ellis, Gaia, Hillis, Jared, Jones, King (Washington), Lowe, McAfee, McKinney, McNally, Miller, Montgomery, Murphy (Davidson), Percy, Phillips, Pickering, Pruitt, Rhinehart, Robinson (Davidson), Robinson (Washington), Scruggs, Stallings, Sterling, Webb, Wix, Wood, Work and Yelton—40.

Representatives voting no were: Akard, Baker, Bell (Knox), Burnett, Clark (Davidson), Clark (Sumner), Covington, Crain, Davis (Gibson), Davis (Hamilton), DePriest, Duncan, Ford, Frensley, Gill, Harrill, Henry (Blount), Henry (Roane), Hurley, Huskey, Johnson, Kelley, Kent, Kernell, Lashlee, Martin, Murray, Naifeh, Owen, Richardson, Robertson, Robinson (Hamilton), Severance, Shirley, Shockley, Spence, Starnes, Tanner, Turner, Ussery, Wallace, Wheeler and Whitson—43.

Representatives present and not voting were: Davis (Pickett), Love, Small and Wolfe—4.

Thereupon, the motion to defer House Bill No. 725 until May 6, 1981 prevailed by the following vote:

Ayes .....	70
Noes .....	17
Present and not voting .....	4

Representatives voting aye were: Akard, Baker, Bell (Knox), Bell (Wilson), Bewley, Bivens, Brewer, Buck, Burnett, Byrd, Carter, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Disspayne, Duer, Duncan, Ford, Frensley, Gaia, Harrill, Henry (Blount), Henry (Roane), Hillis, Hurley, Huskey, Jared, Johnson, Jones, Kelley, Kernell, King (Washington), Lashlee, Love, Martin, Montgomery, Murphy (Davidson), Naifeh, Percy, Phillips, Richardson, Robertson, Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Smith, Spence, Stallings, Starnes, Sterling, Tanner, Turner, Ussery, Wallace, Whitson, Wolfe, Yelton and Mr. Speaker McWherter—70.

Representatives voting no were: Bragg, Dills, Ellis, Kent, Lowe, McAfee, McKinney, McNally, Murray, Pickering, Pruitt, Rhinehart, Robinson (Davidson), Wheeler, Wix, Wood and Work—17.

Representatives present and not voting were: Miller, Owen, Small and Webb—4.

Mr. Hillis moved that House Bill No. 724 be placed on the Calendar for Wednesday, May 6, 1981, which motion prevailed.

Mr. McKinney moved that House Bill No. 867 be placed on the Calendar for Tuesday, May 12, 1981, which motion prevailed by the following vote:

Ayes .....	69
Noes .....	14
Present and not voting .....	3

Representatives voting aye were: Akard, Baker, Bell (Knox), Bell (Wilson), Bewley, Bivens, Buck, Byrd, Carter, Chiles, Clark (Davidson), Clark (Sumner), Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), DeBerry, Dills, Duer, Duncan, Ford, Frensley, Harrill, Henry (Blount), Henry (Roane), Hillis, Hurley, Huskey, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Washington), Lashlee, Love, McAfee, McNally, Miller, Mont-

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gomery, Murphy (Shelby), Murray, Naifeh, Owen, Percy, Rhinehart, Richardson, Robertson, Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shockley, Small, Smith, Stallings, Starnes, Sterling, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Wix, Wolfe and Wood—69.

Representatives voting no were: Disspayne, Ellis, Gill, Lowe, McKinney, Martin, Murphy (Davidson), Phillips, Pickering, Pruitt, Robinson (Davidson), Shirley, Spence and Yelton—14.

Representatives present and not voting were: Bragg, Burnett and Cobb—3.

House Bill No. 684—To amend Chapter 288, Private Acts, 1972.

On motion, House Bill No. 684 was made to conform with Senate Bill No. 640.

On motion, Senate Bill No. 640, on same subject, was substituted for House Bill No. 684.

Mr. Turner moved that Senate Bill No. 640 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	94
Noes .....	0

Representatives voting aye were: Akard, Baker, Bell (Knox), Bell (Wilson), Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Carter, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Duer, Duncan, Ellis, Ford, Frensley, Gaia, Gill, Harrill, Henry (Blount), Henry (Roane), Hillis, Hurley, Huskey, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Washington), Lashlee, Love, Lowe, McAfee, McKinney, McNally, Martin, Miller, Montgomery, Murphy (Davidson), Murray, Naifeh, Owen, Percy, Phillips, Pickering, Pruitt, Rhinehart, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Small, Smith, Spence, Stallings, Starnes, Sterling, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Withers, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter—94.

A motion to reconsider was tabled.

Mr. Kernell moved that House Bill No. 213 be placed on the Calendar for Thursday, May 7, 1981, which motion prevailed.

House Bill No. 1044—To equalize salaries of Constitutional Officers.

On motion, House Bill No. 1044 was made to conform with Senate Bill No. 1011.

On motion, Senate Bill No. 1011, on same subject, was substituted for House Bill No. 1044.

Mr. Rhinehart moved that Senate Bill No. 1011 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	59
Noes .....	32
Present and not voting .....	1

Representatives voting aye were: Akard, Bell (Wilson), Bivens, Bragg, Buck, Burnett, Clark (Davidson), Cobb, Covington, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Ellis, Gaia, Gill, Harrill, Hillis, Jared,

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Johnson, Jones, Kelley, Kernell, Lashlee, Love, Lowe, McKinney, Martin, Miller, Murphy (Davidson), Murphy (Shelby), Murray, Naifeh, Owen, Phillips, Pickering, Pruitt, Rhinehart, Richardson, Robinson (Davidson), Robinson (Hamilton), Shirley, Small, Spence, Stallings, Starnes, Tanner, Turner, Wheeler, Withers, Wix, Wolfe, Work, Yelton and Mr. Speaker McWherter—59.

Representatives voting no were: Baker, Bell (Knox), Bewley, Carter, Chiles, Clark (Sumner), Copeland, Crain, Duer, Duncan, Ford, Frensley, Henry (Blount), Henry (Roane), Hurley, Huskey, Kent, King (Washington), McAfee, McNally, Montgomery, Robertson, Robinson (Washington), Scruggs, Severance, Shockley, Smith, Sterling, Ussery, Wallace, Whitson and Wood—32.

Representative present and not voting was: Webb—1.

A motion to reconsider was tabled.

### FURTHER CONSIDERATION OF HOUSE BILL NO. 432

House Bill No. 432—To provide for licensing, certain counseling services.

Mr. Wheeler moved that House Bill No. 432 be passed on third and final consideration.

On motion, Amendment No. 1 was adopted.

Thereupon, House Bill No. 432, as amended, passed its third and final consideration by the following vote:

Ayes .....	89
Noes .....	5
Present and not voting .....	1

Representatives voting aye were: Akard, Baker, Bell (Knox), Bell (Wilson), Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Carter, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Copeland, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Disspayne, Duer, Duncan, Ellis, Ford, Frensley, Gaia, Gill, Harrill, Henry (Blount), Henry (Roane), Hillis, Hurley, Huskey, Jared, Johnson, Jones, Kelley, Kent, King (Washington), Lashlee, Love, Lowe, McAfee, McKinney, McNally, Martin, Montgomery, Murphy (Davidson), Murphy (Shelby), Murray, Naifeh, Owen, Percy, Phillips, Pickering, Pruitt, Rhinehart, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Small, Smith, Stallings, Starnes, Sterling, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Withers, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter—89.

Representatives voting no were: Covington, Dills, Miller, Richardson and Spence—5.

Representative present and not voting was: Kernell—1.

A motion to reconsider was tabled.

### FURTHER CONSIDERATION OF SENATE BILL NO. 191

Senate Bill No. 191—To amend Title 6, Chapter 51, Code.

Mr. Owen moved that Senate Bill No. 191 be passed on third and final consideration.

Mr. Yelton moved to amend Amendment No. 1 as follows:

AMENDMENT NO. 1 TO AMENDMENT NO. 1

Amend Amendment No. 1 by inserting immediately after the figures “(277,000)” the words and figures:

DIVISION 1

Not less than	Nor more than
24,200	24,300

DIVISION 2

38,600	38,700
62,700	62,800
63,700	63,800

DIVISION 3

120,000	130,000
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Mr. McKinney moved that Amendment No. 1 to Amendment No. 1 be tabled, which motion failed by the following vote:

Ayes .....	32
Noes .....	54
Present and not voting .....	2

Representatives voting aye were: Baker, Bell (Wilson), Bewley, Byrd, Clark (Davidson), Clark (Sumner), DeBerry, Duer, Ellis, Ford, Gaia, Gill, Huskey, Jones, Kernell, King (Washington), Love, Lowe, McKinney, Montgomery, Murphy (Davidson), Murray, Phillips, Rhinehart, Robinson (Davidson), Robinson (Washington), Small, Spence, Turner, Webb, Wix and Wolfe—32.

Representatives voting no were: Akard, Bell (Knox), Bivens, Bragg, Buck, Burnett, Chiles, Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DePriest, Dills, Disspayne, Duncan, Frensley, Harrill, Henry (Blount), Henry (Roane), Hillis, Hurley, Jared, Johnson, Kelley, Kent, Lashlee, McAfee, McNally, Martin, Miller, Moore, Naifeh, Percy, Pickering, Richardson, Robertson, Robinson (Hamilton), Scruggs, Severance, Shirley, Shockley, Smith, Stallings, Starnes, Sterling, Tanner, Wallace, Wheeler, Whitson, Wood and Yelton—54.

Representatives present and not voting were: Brewer and Owen—2.

Mrs. Duer requested a division of the question on Amendment No. 1 to Amendment No. 1.

Mrs. Duer moved that Division No. 1 of Amendment No. 1 to Amendment No.1 be tabled, which motion prevailed.

Mr. McKinney moved that Senate Bill No. 191 be placed on the Calendar for Thursday, May 7, 1981, which motion prevailed.

FURTHER CONSIDERATION OF SENATE JOINT RESOLUTION NO. 44

Senate Joint Resolution No. 44—Relative to Article II, Section 28, Tennessee Constitution.

**TUESDAY, MAY 5, 1981—44th LEGISLATIVE DAY**

Mr. Wallace moved that Senate Joint Resolution No. 44 be passed on third reading.

At the request of the sponsor, Senate Joint Resolution No. 44 was read by the Clerk.

Thereupon, as required by Article XI, Section 3, Constitution of Tennessee, Senate Joint Resolution No. 44 passed its third reading by the following vote:

Ayes .....	93
Noes .....	0

Representatives voting aye were: Akard, Baker, Bell (Knox), Bell (Wilson), Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Carter, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Duer, Duncan, Ellis, Ford, Frensley, Gaia, Gill, Harrill, Henry (Blount), Henry (Roane), Hillis, Hurley, Huskey, Jared, Johnson, Kelley, Kent, Kernell, King (Washington), Lashlee, Love, Lowe, McAfee, McKinney, McNally, Martin, Miller, Montgomery, Moore, Murphy (Davidson), Murphy (Shelby), Murray, Naifeh, Owen, Percy, Phillips, Pickering, Rhinehart, Richardson, Robertson, Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Small, Smith, Spence, Stallings, Starnes, Sterling, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Withers, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter—93.

A motion to reconsider was tabled.

**RESOLUTIONS LYING OVER**

Senate Joint Resolution No. 48—Relative to filing suit, TVA.

The Speaker referred Senate Joint Resolution No. 48 to the Committee on Calendar and Rules.

Senate Joint Resolution No. 75—Relative to study, Tennessee judicial system.

The Speaker referred Senate Joint Resolution No. 75 to the Committee on Calendar and Rules.

Senate Joint Resolution No. 111—Relative to bridge, Cockrill Bend area, Davidson County.

The Speaker referred Senate Joint Resolution No. 111 to the Committee on Calendar and Rules.

**UNFINISHED BUSINESS**

Mr. Lashlee moved that House Bill No. 1323 be recalled from the Committee on Calendar and Rules for immediate consideration, which motion prevailed.

House Bill No. 1323—To create Juvenile Probate, Henry County.

Mr. Lashlee moved that House Bill No. 1323 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	89
Noes .....	0

Representatives voting aye were: Akard, Baker, Bell (Knox), Bell (Wilson), Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner),

Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Duer, Duncan, Ellis, Ford, Frensley, Gaia, Gill, Harrill, Henry (Blount), Henry (Roane), Hillis, Hurley, Huskey, Jared, Johnson, Kelley, Kent, Kernell, King (Washington), Lashlee, Love, Lowe, McKinney, McNally, Martin, Miller, Montgomery, Murphy (Davidson), Murphy (Shelby), Murray, Naifeh, Owen, Percy, Phillips, Pickering, Rhinehart, Richardson, Robertson, Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Small, Smith, Spence, Stallings, Starnes, Sterling, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Withers, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter—89.

A motion to reconsider was tabled.

MESSAGE FROM THE GOVERNOR

April 23, 1981

Mr. David Welles  
State Capitol  
Nashville, TN 37219

Dear Mr. Welles,

As requested by the House of Representatives, we are hereby returning House Bill 663.

Sincerely,

Julia Smith Gibbons  
Legal Counsel to the Governor

Mr. Lashlee moved that House Bill No. 663, as amended by the Senate, be re-passed on first consideration, which motion prevailed.

HOUSE BILL ON SENATE AMENDMENT

House Bill No. 475—To notify depositor of maturing certification.

SENATE AMENDMENT NO. 2

Amend House Bill No. 475 by deleting the words “this act” in Section 2 and substituting instead the words and figures “Tennessee Code Annotated, Section 45-2-618”.

Mr. Crain moved that the House concur in Senate Amendment No. 2, which motion prevailed by the following vote:

Ayes .....	91
Noes .....	0

Representatives voting aye were: Akard, Baker, Bell (Knox), Bell (Wilson), Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Duer, Duncan, Ellis, Ford, Frensley, Gaia, Gill, Harrill, Henry (Blount), Henry (Roane), Hillis, Hurley, Huskey, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Washington), Lashlee, Love, Lowe, McAfee, McKinney, McNally, Martin, Miller, Montgomery, Murphy (Davidson), Murphy (Shelby), Murray, Naifeh, Owen, Percy, Phillips, Pickering, Rhinehart, Richardson, Robertson, Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Small, Smith, Spence, Stallings, Starnes, Sterling, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Withers, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter—91.

A motion to reconsider was tabled.

Mr. Speaker McWherter resumed the Chair.

## SECOND ROLL CALL

The roll call was taken with the following results:

Present ..... 95

Representatives present were: Akard, Baker, Bell (Knox), Bell (Wilson), Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Carter, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Duer, Duncan, Ellis, Ford, Frensley, Gaia, Gill, Harrill, Henry (Blount), Henry (Roane), Hillis, Hurley, Huskey, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Washington), Lashlee, Love, Lowe, McAfee, McKinney, McNally, Martin, Miller, Montgomery, Murphy (Davidson), Murphy (Shelby), Murray, Naifeh, Owen, Percy, Phillips, Pickering, Pruitt, Rhinehart, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Small, Smith, Spence, Stallings, Starnes, Sterling, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Withers, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter—95.

## INTRODUCTION OF RESOLUTIONS

House Joint Resolution No. 213—Relative to honoring Joe Huffine, Doug Kitzmiller, Lisa Treadway and Alisa Day—By Robinson (Washington) and King (Washington).

Under the rules, House Joint Resolution No. 213 was referred to the Committee on Calendar and Rules.

House Joint Resolution No. 214—Relative to implementing plan, medicaid expenditures—By Bragg, Burnett, Murray and McKinney.

The Speaker referred House Joint Resolution No. 214 to the Committee on Calendar and Rules.

House Resolution No. 48—Relative to studying House Roll Call System—By Scruggs, Bewley and Work.

The Speaker referred House Resolution No. 48 to the Committee on Calendar and Rules.

House Resolution No. 49—Relative to construction of restaurant, Edgar Evins State Park—By Buck.

The Speaker referred House Resolution No. 49 to the Committee on Calendar and Rules.

## INTRODUCTION OF BILLS

House Bill No. 1328—To reenact Charter, City of Rives—By Tanner.

Passed first consideration.

House Bill No. 1329—To compensate certain officials, Town of Sharon—By Mr. Speaker McWherter.

## **TUESDAY, MAY 5, 1981—44th LEGISLATIVE DAY**

Passed first consideration.

House Bill No. 1330—To authorize Jonesboro to levy privilege tax—By Robinson (Washington) and King (Washington).

Passed first consideration.

### **SENATE BILLS ON FIRST CONSIDERATION**

Senate Bill No. 381—To amend Section 8-21-401, Code.

Passed first consideration.

Senate Bill No. 458—To create position, criminal investigator, 12th Judicial Circuit.

Passed first consideration.

Senate Bill No. 489—To create position, criminal investigator, 25th Judicial Circuit.

Passed first consideration.

Senate Bill No. 632—To regulate office hours, election commission, certain counties.

Passed first consideration.

Senate Bill No. 643—To regulate inheritance taxation.

Passed first consideration.

### **HOUSE BILLS ON SECOND CONSIDERATION**

House Bill No. 1324—To increase tax, South Carrol Special School District.

Passed second consideration and held without reference.

House Bill No. 1325—To amend Section 7-51-703, Code.

Passed second consideration and referred to Committee on State and Local Government.

House Bill No. 1326—To set jurisdiction Mayors Court, Ridgely.

Passed second consideration and held without reference.

House Bill No. 1327—To allow Atwood Special School District to set education tax rate.

Passed second consideration and held without reference.

### **STANDING COMMITTEE REPORTS**

#### **FINANCE, WAYS AND MEANS**

MR. SPEAKER: Your Committee on Finance, Ways and Means begs leave to report that we have carefully considered and recommend for passage: House Bills Nos. 27, 79 and 1082 (with amendment).

BRAGG, *Chairman.*

Under the rules, House Bills Nos. 27, 79 and 1082 were transmitted to the Committee on Calendar and Rules.



**GENERAL WELFARE**

**MR. SPEAKER:** Your Committee on General Welfare begs leave to report that we have carefully considered and recommend for passage: House Joint Resolution No. 171.

**STARNES, *Chairman.***

Under the rules, House Joint Resolution No. 171 was transmitted to the Committee on Calendar and Rules.

**STATE AND LOCAL GOVERNMENT**

**MR. SPEAKER:** Your Committee on State and Local Government begs leave to report that we have carefully considered and recommend for passage: House Bills Nos. 765, 858, 859, 860, 1015, 1016 and 1210; and House Resolution No. 30.

**MILLER, *Chairman.***

Under the rules, House Bills Nos. 765, 858, 859, 860, 1015, 1016 and 1210; and House Resolution No. 30 were transmitted to the Committee on Calendar and Rules.

**REPORT OF COMMITTEE ON CALENDAR AND RULES**

**MR. SPEAKER:** Your Committee on Calendar and Rules begs leave to report that we have met and set the following bills on the Calendar for Wednesday, May 6, 1981: House Bills Nos. 1073, 1086, 1087, 609, 1031, 510 and 1173.

**GILL, *Chairman.***

**MESSAGE FROM THE SENATE**

**MR. SPEAKER:** I am directed to return to the House, House Bill No.

509—To amend Section 38-504, Code.

The Senate lifted tabling motion, reconsidered passage of the bill, reconsidered adoption of Senate Amendment No. 1, withdrew Senate Amendment No. 1, adopted Senate Amendment No. 2, then repassed the bill on third and final consideration, as amended.

**CLYDE W. McCULLOUGH, JR.,  
*Chief Clerk.***

**MESSAGE FROM THE SENATE**

**MR. SPEAKER:** I am directed to return to the House, House Bill No.

601—To amend Section 39-4544, Code.

The Senate lifted tabling motion, reconsidered passage of the bill, reconsidered adoption of Senate Amendment No. 2, withdrew Senate Amendment No. 2; refused to recede from its action in adopting Senate Amendment No. 3, then repassed the bill on third and final consideration, as amended.

**CLYDE W. McCULLOUGH, JR.,  
*Chief Clerk.***

**NOTICE PURSUANT TO RULE NO. 57**

Pursuant to Rule No. 57, sponsors gave notice of their intentions to consider the following measures from the Senate on Wednesday, May 6, 1981:

House Bill No. 368—Wood

House Bill No. 391—Cobb

House Bill No. 509—Naifeh

House Bill No. 593—Frensley

House Bill No. 601—Baker

House Bill No. 689—Robinson (Washington)

House Bill No. 702—Ford

House Bill No. 815—Huskey

House Bill No. 878—Yelton

House Bill No. 995—Ussery

House Bill No. 1145—Scruggs

House Joint Resolution No. 69—Owen

**ENROLLED BILLS**

**MR. SPEAKER:**

Your Chief Engrossing Clerk begs leave to report that we have carefully compared House Bills Nos. 372, 378, 551, 773, 832, 935, 951, 1062 and 1095; and House Resolution No. 46; and find same correctly enrolled and ready for the signatures of the Speakers.

**MARILYN EVELYN HAND,**  
*Chief Engrossing Clerk.*

**SIGNED**

The Speaker announced that he had signed the following: House Bills Nos. 372, 378, 551, 773, 832, 935, 951, 1062 and 1095; and House Resolution No. 46.

**MESSAGE FROM THE GOVERNOR**

**MR. SPEAKER:**

I am directed by the Governor to return herewith: House Bills Nos. 171 and 428 with his approval.

**JULIA GIBBONS,**  
*Counsel to the Governor.*

**LOCAL BILLS REFERRED TO CALENDAR AND RULES**

In accordance with Rule No. 47, the following local bills, having received authorization

## **TUESDAY, MAY 5, 1981—44th LEGISLATIVE DAY**

for passage by the local legislative delegation, were transmitted to the Committee on Calendar and Rules: House Bills Nos. 1324, 1326 and 1327.

Mr. Gill moved that Rule No. 48 be suspended in regard to Thursday's Calendar and Rule No. 49 be suspended regarding the Consent Calendar, for the duration of session, which motion prevailed.

### **ENGROSSED BILLS**

**MR. SPEAKER:**

Your Chief Engrossing Clerk begs leave to report that we have carefully examined House Bills Nos. 432, 727, 892 and 1323; and find same correctly engrossed and ready for transmission to the Senate.

**MARILYN EVELYN HAND,**  
*Chief Engrossing Clerk.*

### **SPONSOR ADDED**

Without objection, the rules were suspended to allow the following member to add his name as sponsor to the bill as indicated below, the prime sponsor having agreed to such addition:

House Bill No. 764—Withers (co-prime)

On motion of Mr. Burnett, the House adjourned until 1:30 p.m. tomorrow.